

SENATE BILL NO. 322

INTRODUCED BY S. FITZPATRICK, K. SULLIVAN, M. THANE, W. CURDY, S. O'BRIEN, E. BOLDMAN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO COUNTY CENTRAL COMMITTEES; CHANGING THE NAME OF THE COUNTY CENTRAL COMMITTEE MEETING TO THE COUNTY CONVENTION; PROVIDING THAT THE RECORDS OF COUNTY AND CITY CENTRAL COMMITTEES ARE NOT PUBLIC RECORDS; REQUIRING PUBLIC ACCESS TO CENTRAL COMMITTEES THAT ARE FILLING ELECTION VACANCIES; AND AMENDING SECTIONS 13-38-203 AND 13-38-205, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-38-203, MCA, is amended to read:

"13-38-203. Powers and duties of county and city central committees -- role of state central committee where no county central committee exists. (1) The county and city central committee may:

(a) make rules for the government of its political party in each county not inconsistent with any of the provisions of the election laws of this state or the rules of its state political party;

(b) elect two county members of the state central committee, one of each gender, elect the members of the congressional committee, and fill all vacancies and make rules in their jurisdiction.

(2) If there is no county central committee, the state central committee shall appoint a county central committee.

(3) Meetings of a central committee that is filling an election vacancy pursuant to 13-10-326 or 13-10-327 must be open to the public. Records of a central committee regarding filling a vacancy pursuant to 13-10-326 or 13-10-327 must be made available for public inspection on request.

~~(3)(4)~~ County and city central committees are not public agencies of the state. The documents of the county and city central committees are not public records."

Section 2. Section 13-38-205, MCA, is amended to read:

"13-38-205. Organization and operation of county and city central committee committees. (1)

The county central committee shall meet prior to the state convention of its political party and organize by electing a presiding officer and one or more vice presiding officers. The gender of the presiding officer and the vice presiding officer may not be the same. The county central committee shall elect a secretary and other officers as necessary. It is not necessary for the officers to be precinct committee representatives.

(2) The committee may select managing or executive committees and authorize subcommittees to exercise all powers conferred upon the county, city, state, and congressional central committees by the election laws of this state.

(3) The presiding officer of the county central committee shall call the ~~central committee meeting~~ county convention and not less than 4 days before the date of the ~~central committee meeting~~ county convention shall publish the call in a newspaper published at the county seat and mail a copy of the call to each precinct committee representative. If party rules permit the use of a proxy, a proxy may not be recognized unless it is held by an elector of the precinct of the committee representative executing it.

(4) The county presiding officer of the party shall preside at the county convention. No person other than a duly elected or appointed committee representative or officer of the committee is entitled to participate in the proceedings of the committee.

(5) If a committee representative is absent, the convention may fill the vacancy by appointing some qualified elector of the party, resident in the precinct, to represent the precinct in the convention.

(6) The county convention shall elect delegates and alternate delegates to the state convention under rules of the state party. The presiding officer and secretary of the county convention shall issue and sign certificates of election of the delegates."

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